

Controlling Construction Site Soil Erosion, Sediment  
Storm Water Quantity Management, and Post-Construction Storm Water Quality Runoff

1311.01	Definitions	1311.09	Soil erosion and sediment control performance standards
1311.02	Purpose and scope	1311.10	Post-construction water quality control requirements
1311.03	Conflicts, severability nuisances and responsibility	1311.11	Storm water quantity control performance standards
1311.04	Consultations	1311.12	Easements
1311.05	Issuance of building permits for residential projects	1311.13	Maintenance
1311.06	Requirements for a storm water management plan	1311.14	Compliance with other rules and regulations
1311.07	Application procedures for storm water management plans	1311.15	Construction and maintenance guarantee
1311.08	Storm water management plan	1311.16	Violations and penalties

### CROSS REFERENCES

Drainage and Grading – see Rocky River Codified Ordinances Chapter 1337

Green Infrastructure or Setback Requirements – see Rocky River Codified Ordinances Chapter 1313

#### 1311.01 DEFINITIONS

**ACRE:** A unit of measure equaling 43,560 square feet.

**AS-BUILT CERTIFICATION:** A survey shown on a plan or drawing prepared by a registered surveyor or a Professional Engineer indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

Structural or nonstructural facilities or activities that control soil erosion and/or storm water runoff at a development site.

**BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

**CHANNEL:** A natural bed that conveys water or a ditch excavated for the flow of water.

**BUILDING COMMISSIONER:** Building Commissioner shall be one of the following officials of the City of Rocky River: Building Commissioner, Engineer or Safety Service Director or their designee.

**CONSERVATION:** The wise use and management of natural resources.

**CRITICAL STORM:** A storm, which is calculated by means of the percentage increase in volume of runoff by a proposed development area.

**DETENTION BASIN:** A storm water management pond that does not maintain a permanent pool of water, but includes a properly engineered/designed volume dedicated to the temporary storage and slow release of run-off waters.

**DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

**EARTH DISTURBING ACTIVITY:** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

**EROSION:** The process by which the land surface is worn away by the action of water, wind, ice or gravity.

**EROSION AND SEDIMENT CONTROL PRACTICES:** Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

**EXISTING:** In existence at the time of the passage of these regulations.

**GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

**GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.

**IMPERVIOUS SURFACE:** Any surface that can not effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.

**LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

**MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

**NPDES PERMIT:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

**OHIO EPA:** The Ohio Environmental Protection Agency.

**OUTFALL:** An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

**PERSON:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

**POST-DEVELOPMENT:** The conditions which exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, or direction of storm water runoff.

**PRE-DEVELOPMENT:** The conditions which exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, or direction of storm water runoff.

**PROFESSIONAL ENGINEER:** A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

**RAINWATER AND LAND DEVELOPMENT MANUAL:** is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

**REDEVELOPMENT:** The demolition or removal of existing structures or land uses and construction of new ones.

**RETENTION BASIN:** A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

**RIPARIAN AREA:** Means the transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

---

**SEDIMENT BASIN:** A temporary sediment pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

**SEDIMENT CONTROL:** The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

**SEDIMENT POLLUTION:** A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

**SEDIMENT TRAP:** A temporary sediment-settling pond having a simple spillway outlet structure stabilized with geotextile and rip rap.

**SETTLING POND:** A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.

**SHEET FLOW:** Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

**SOIL:** Unconsolidated erodible earth material consisting of minerals and/or organics.

**SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is altered or destroyed and which may result in, or contribute to, erosion and sediment pollution.

**STORM WATER MANAGEMENT PLAN:** The written document meeting the requirements of this regulation that sets forth the plans and practices to be used to minimize storm water runoff from a development area and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion and also sets forth the plans and practices to be used to minimize soil erosion, prevent off-site disposal of soil sediment by minimizing soil disturbance, by containing sediment and non-sediment materials on-site, and/or by passing sediment-laden runoff through sediment control measures during and after development, and increasing water quality. This plan shall also meet all the requirements for a Storm Water Pollution Prevention Plan as required by the Ohio EPA. Referred to as "SWM Plan".

**STREAM:** A surface watercourse with a well defined bed or bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

USEPA: The United States Environmental Protection Agency.

**WATER RESOURCES:** All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.

**WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended).

**WETLAND SETBACK:** Those lands within the City of Rocky River that fall within the area defined by the criteria set forth in Section 1313.

#### 1311.02 PURPOSE AND SCOPE

(a) The intent of this regulation is to establish technically feasible, operationally practical, and economically reasonable requirements and controls to achieve a level of storm water quantity management, water quality control and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City of Rocky River.

This regulation further intends, but is not limited, to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
2. Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.
3. Reduce deterioration of the receiving waters.
4. Assure that property owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.
5. Preserve to the maximum extent practicable the natural drainage characteristics of the site and minimize the need to construct, repair, and replace enclosed, storm drain systems.
6. Preserve to the maximum extent practicable natural infiltration and ground recharge, and maintain subsurface flow that replenishes water resources, wetlands and wells.

- 
7. Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.
  8. Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetland, and storm water management practices that are the result of inadequate storm water management.
  9. Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water management.
  10. Require the construction of storm water management practices that serve multiple purposes including, flood control, erosion control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.
  11. Ensure that all storm water management practices are properly designed, constructed, and maintained.

(b) This regulation shall apply to all parcels used or being developed, either wholly or partially for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted. The regulation shall apply to roadway construction projects initiated after the effective date of this regulation. Uses specifically exempted include:

1. Activities regulated by the Ohio Agricultural Sediment Pollution Abatement Rules.
2. Linear construction projects (e.g. pipeline or utility line installation), which do not result in the installation of increased impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossings and the width of disturbance.
3. Existing farming, silvicultural operations, or areas regulated by the Ohio Agricultural Sediment Pollution Abatement Rules in Section 1501:15-3 of the Ohio Revised Code.
4. Existing coal surface mining operations regulated by Section 1513 of the Ohio Revised Code.
5. Existing other surface mining operations regulated by Section 1514 of the Ohio Revised Code.

**1311.03 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY**

- (a) Where this regulation is in conflict with existing provisions of law, ordinance, contract, or deed, whichever imposes the more stringent restriction shall prevail.
- (b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.
- (c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.
- (d) Failure of the City of Rocky River to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the City of Rocky River, its officers, employees, or agents being responsible for any condition or damage resulting there from.
- (e) Disclaimer of Liability: Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

**1311.04 CONSULTATIONS**

In implementing these regulations the Building Commissioner, City Engineer, Safety Service Director or their designee may consult with the local county SWCD, state and federal agencies and other technical experts as necessary; including any fees from the City's Engineer for consultation or reviewing services. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

**1311.05 ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL PROJECTS**

- (a) Two building permits will be issued for all single-family residential construction and similar types of construction as determined by the Building Commissioner. The first building permit shall allow the construction of the footers and basement walls or slab. No additional construction shall be performed and no additional building materials shall be allowed on the site until the City of Rocky River has issued the second building permit. The Building Commissioner may approve the stockpiling of additional construction materials on the site prior to the issuance of the second permit if a suitable location can be identified. Proper Soil Erosion and Sediment Control must be maintained on the stockpile area prior to, during, and after the area is used for stockpiling.
- (b) A general building permit, allowing delivery of the remaining building materials and the remaining construction activities, shall not be issued until the Building Commissioner certifies that the required BMPs and any other BMPs identified in the Storm Water Management Plan submitted with the Application for the first building permit have been properly installed, pursuant to the most recent edition of the Ohio *Rainwater and Land Development* manual.

---

### 1311.06 REQUIREMENTS FOR A STORM WATER MANAGEMENT PLAN

In order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands and to protect water quality, the owner of each development area shall be responsible for developing a Storm Water Management Plan. This plan will address storm water quantity management, soil erosion, sediment and other wastes control, and post-construction water quality. This plan must contain a description of controls appropriate for each construction operation covered by these regulations, and the operator must implement the planned controls in a timely manner. The plans and BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio *Rain Water and Land Development* manual. The plans must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable.

- (a) This regulation requires that a Storm Water Management Plan be developed and implemented for soil disturbing activities which disturb one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1311.02 is proposed.
- (b) This regulation requires that a Storm Water Management Plan be developed and implemented for soil disturbing activities which disturb more than 7,500 square feet of total land but less than one (1) acre of land and are not part of a larger plan of common development or sale disturbing one or more acres of total land and on which any regulated activity of Section 1311.02 is proposed. Parcels of land disturbing 7,500 square feet of land but less than 1 acre of land are exempt from complying with Section 1311.10 Post Construction Water Quality Control Requirements, unless required by the Ohio EPA.
- (c) Parcels of land consisting of less than one acre of land in area used for single family residential purposes only are exempt from Storm Water Management Plan requirements.

### 1311.07 APPLICATION PROCEDURES FOR STORM WATER MANAGEMENT PLANS:

- (a) Plans developed by the site owners and approved by the City of Rocky River in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. Plans submitted to the Building Commissioner for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps of Engineers, Ohio EPA and ODNR Division of Water.
- (b) The application must include a letter or report from the local county SWCD that states that the Storm Water Management Plan has been reviewed for consistency with Ohio EPA and local regulations.

(c) Five (5) sets of the plans and necessary data required by this regulation shall be submitted to the Building Commissioner with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper. Submittals shall include:

- 1) At the preliminary plan approval request, the preliminary plans only need to show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas, permanent BMPs and storm water management detention and retention basins.
- 2) At the improvement plan approval request, the entire Storm Water Management Plan must be submitted.

(d) The Building Commissioner shall review the plans, including the review report from the local county SWCD, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(e) Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the City's Building Commissioner and any of the Commissioner's designees which may include the City Engineer to discuss the proposed project, review the requirements of this regulation, identify any unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

(f) Preliminary Storm Water Control Plan: The applicant shall submit two (2) paper sets and one (1) set of plans in PDF format of a Storm Water Control Plan (Preliminary Plan) and the applicable fees to the Building Department for review by the Building Commissioner and City Engineer or their designee. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the Building Commissioner and City Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed storm water management practices are capable of controlling erosion, sediment pollution and storm water runoff from the site in compliance with this regulation. The applicant shall submit two (2) paper sets and one (1) set of plans in PDF format of the Preliminary Plan and applicable fees as follows:

- 1) For subdivisions and other building or improvement construction projects: In conjunction with the submission of the preliminary subdivision plan.
- 2) For general clearing projects: for soil disturbing activities covered by this regulation; thirty (30) days prior to any soil disturbing activities.

(g) Approved plans shall remain valid for one (1) year: with time running from date of approval until start of construction. After one (1) year from date of approval, if construction has not begun, the plan(s) approval automatically expires.

- 
- (h) No soil disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator.
- (i) The City of Rocky River will do construction inspections until the site reaches final stabilization as determined by the Building Commissioner.
- (j) After construction or implementation of all BMP(s) set forth in the approved Storm Water Management Plan, as As-Built Certification sealed, signed and dated by a Professional Engineer with a statement certifying that the storm water management practices, as designed and installed, meet the requirements of the Storm Water Management Plan approved by the City Engineer shall be submitted to the Building Department.

#### 1311.08 STORM WATER MANAGEMENT PLAN:

A Storm Water Management Plan required by this regulation shall contain the following information:

- a. Soil Erosion and Sediment Control: the plan shall include measures to insure that earth disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion and sedimentation from the site resulting in impact to water quality and that meet the standards set forth in Section 1311.09.
- b. Post-Construction Water Quality and Quantity Control: the plan shall include measures to insure that the peak discharge rate of surface water runoff from the development site during and after construction will be 75% less than the pre-development peak discharge rate and to insure pollutants are reduced to the maximum extent practicable. The plan shall meet the standards set forth in Section 1311.11 and 1311.10 for post-construction water quality control.
- c. Preparation of Plans: All Storm Water Management Plans shall be prepared by a Professional Engineer experienced in the design and implementation of standard erosion and sediment controls and storm water management practices addressing all phases of construction.
- d. Compliance with all other Setback/Green Infrastructure Requirements: as necessary.
- e. Contents of Storm Water Management Plans: Shall include the Storm Water Pollution Prevention Plan (SWP3) required by either an individual NPDES Construction Activity Permit or Ohio EPA's NPDES Construction activity permit and incorporated here by reference. In addition to the SWP3, the applicant shall include the supplemental information set forth in Section 1311.06. The contents of the Ohio EPA SWP3 include those requirements set forth in Section 1311.09 pertaining to soil erosion, sediment control and Section 1311.10 pertaining to post-construction water quality control and the following information:
  1. Description of the Plan of Construction: The following information shall be included in the Storm Water Management Plan:

A. Site Description:

- i) Description of the prior land uses of the site.
- ii) A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
- iii) A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
- iv) An estimate of the impervious area and percent imperviousness for both the pre-construction and post-construction site conditions.
- v) Existing soil data describing the soil and, if available, the quality of any discharge from the Site, including any potential sources of pollution which may reasonably be expected to affect the quantity of storm water discharges associated with construction activities.
- vi) A calculation of the runoff coefficients for both the pre-construction and post-construction site conditions.
- vii) The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.

B. A site map locating:

- i) The larger common plan of development or sale
- ii) The development area
- iii) All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
  - Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
  - Conservation Easements
  - Other sensitive natural resources
  - The sensitive areas receiving runoff from the development
- iv) All off-site utility installation areas that are related to the planned project
- v) Limits of earth disturbing activity of the site including associated off-site borrow or spoil areas.
- vi) Locations of unstable or highly erodible soils.

C. The existing and proposed topography shown in the appropriate contour intervals as approved by the Building Commissioner (generally one-foot contours are used).

- 
- D. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
  - E. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
  - F. Existing and planned locations of buildings, roads, parking facilities and utilities.
  - G. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
  - H. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area.
  - I. Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed.
  - J. The location of designated areas for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout and vehicle fueling.
  - K. The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.
  - L. Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development.
    - i) Long-term maintenance inspection schedules.
    - ii) The person or entity financially responsible for conducting the inspections of, and the maintenance of, permanent storm water conveyance and storage structures and all other conservation practices.
    - iii) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.
  - M. The location of any existing or planned riparian and/or wetland setback areas on the property.
  - N. An implementation schedule which describes the sequence of major construction operations, the appropriate BMPs and the general timing (or

sequence) during the construction process of when the measures will be implemented; and, who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections.)

- O. Location and description of any storm water discharges associated with dedicated asphalt and concrete plants covered by this regulation and the Best Management Practices to address pollutants in these storm water discharges.
- P. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.
- Q. The Storm Water Management Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:
  - i. A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.
  - ii. A general description of the SWM strategy proposed to meet this ordinance.
  - iii. Design calculations for all permanent SWM conveyance, detention and retention structures, and other SWM control structures.
  - iv. Any other SWM related items required by the Building Commissioner.

#### 1311.09 SOIL EROSION AND SEDIMENT CONTROL PERFORMANCE STANDARDS:

(a) To control sediment pollution of water resources, the owner shall adhere to the following planning and best management practices as specified in the most current edition of *Rainwater and Land Development Manual*, where applicable:

- 1. Timing of sediment trapping practices
  - A. Sediment control practices shall be functional throughout all phases of up slope soil disturbing activities.
  - B. Settling facilities, perimeter controls, and other practices intended to trap sediment shall be implemented as the first step of grading within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently re-stabilized.

2. Clearing and Grubbing: Clearing and grubbing will be done in two (2) more phases. The first phase will include only those locations necessary to install the perimeter soil erosion and sediment control, and storm water control practices. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue
3. Stabilization of Denuded Areas & Soil Stockpile: Permanent or temporary soil stabilization shall be applied as described in the tables below. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the City of Rocky River Engineer, uniformly covers seventy percent (70%) or more of the soil surface, provides adequate cover, and is mature enough to control soil erosion and to survive adverse weather conditions.

#### Temporary Stabilization

Area Requiring Temporary Stabilization	Time Frame to Apply Erosion Control
Any disturbed areas within 50 feet of a Stream and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream	Within seven days of the most recent disturbance within the area  For residential subdivisions, disturbed areas must be stabilized at least seven days prior to the transfer of permit coverage for the individual lot(s)
Disturbed areas that will be idle over the winter	Prior to the onset of winter weather

#### Permanent Stabilization

Area Requiring Permanent Stabilization	Time Frame to Apply Erosion Controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a stream and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

4. Settling Ponds: Storm water runoff flowing at rates that exceed the design capacity of sediment barriers shall pass through a sediment settling pond. When designing sediment settling pond, the following shall apply:
  - A. The facility's storage capacity shall be designed in accordance with the requirements of the *Rainwater and Land Development Manual*.

- B. Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water.
5. Sediment Barriers: Sheet and rill runoff from denuded areas shall be directed to a settling pond or treated by a geotextile silt fence or other approved sediment barrier. The total runoff flow treated by a sediment barrier shall not exceed the design capacity of that sediment barrier.
  6. Storm Sewer Protection: All storm sewer inlets that receive water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up-slope areas reach final stabilization, as determined by the City of Rocky River Engineer. The owner shall be required to hydraulically clean the storm sewers after each of this period to the satisfaction of the City of Rocky River Engineer. Sediment from the soil disturbing activities shall be removed from the system and shall not be flushed downstream. In situations deemed necessary to preserve the public health, safety, and welfare the Public Service Director, or his designee, may order the temporary removal of such storm sewer protection. It shall be restored when so ordered, at no additional expense to the Municipality.
  7. Working Near or Crossing Water Resources:
    - A. Construction vehicles shall avoid water resources and their setback areas. If construction vehicles must cross a drainage way repeatedly during construction, an approved temporary stream crossing shall be constructed. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources in such a manner that it may slough, slip or erode.
    - B. No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing has been authorized by the Community, and where applicable, the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency, for such purposes as, but not limited to, constructing bridges, culverts, and erosion control measures.
  8. Construction Access Routes
    - A. Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls or onto public roads. Gravel construction access drives shall be implemented as required by the Community Engineer and Ohio EPA.

- 
- B. Soil shall be removed from paved surfaces and/or public roads at the end of each day or more frequently as needed to insure public safety and prevent a nuisance.
9. Sloughing and Dumping: Soils prone to slipping, land sliding, or other instability, as determined by the Cuyahoga County Soil Survey, shall not be graded, excavated, filled, or have loads imposed upon them, unless the work is done in accordance with a qualified professional engineer's recommendation to correct, eliminate, or adequately address the problems caused by the soil characteristics.
10. Cut and Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up slope drainage area, groundwater conditions, and slope stabilization.
11. Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, ten-year (minimum) frequency storm without eroding.
12. Disposition of Temporary Practices: All temporary erosion and sediment controls practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the Community Engineer. Trapped sediment shall be permanently stabilized to prevent further erosion.
13. Control of Non-Sediment Pollution: Site Management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the City of Rocky River's water resources. These practices shall include but are not limited to the following:
- A. A covered Dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, or gypsum.
  - B. The washing of concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washout shall be made available.
  - C. All fuel tanks and drums shall be stored in a marked storage area. A functional dike, or other approved containment, shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area and any additional requirements stipulated by the local Fire Authority.

- D. Any toxic or hazardous waste shall be disposed of properly.
  - E. Contaminated soils from redevelopment sites shall be disposed of properly. Runoffs from contaminated sites shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites.
14. Pre-Winter Stabilization Planning: If the development area is, or is planned, to remain active through the winter months, a Pre-Winter Stabilization Meeting shall be held by the owner, and the developer, engineer, and contractor of the project with the Community prior to October 1, in order to plan and approve winter erosion and sediment control as defined in the most current edition of *Rainwater and Land Development Manual*.
15. Maintenance: All temporary and permanent erosion and sediment control practices shall be:
- A. Designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued physical and financial maintenance of permanent erosion control measures shall be identified to the satisfaction of the City of Rocky River.
  - B. Inspected by the owner or person responsible for the development area once every seven (7) days and within twenty-four (24) hours of a 0.5" or greater rainfall event. A written log of these inspections and any subsequent improvements to controls shall be kept by the Owner or the Owner' designated representative. The inspections shall include the date of the inspection, the name of the inspector, weather conditions, the actions taken to correct problems, and the date actions were taken.
16. Underground Utility Construction: Backfilled trenches for underground utility lines and pipes shall be temporarily stabilized within seven (7) days if they are to remain inactive for thirty (30) days. Trench de-watering devices shall discharge in a manner that filters soil-laden water before discharging it to a receiving drainage.
17. Inspections:
- A. If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.

- 
- B. The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the Building Commissioner or the Commissioner's designee certifies the site as being stable. The Building Commissioner's (or designee's) certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.
  - C. The owner, or his designated representative, shall keep a written log of each inspection and any subsequent improvements to the soil erosion, sediment control or other environmental controls. The inspections shall include the date of the inspection, the name of the inspector, weather conditions, and the actions needed to correct the identified problems.
  - D. The inspection log will include the date and actions taken to correct problems noted in past inspection logs. Inspections logs shall be maintained by the owner and made available to the City of Rocky River upon request.
  - E. If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the Building Commissioner (or designee) within three (3) working days of the date that the inspection was conducted.
  - F. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.
  - G. Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.
  - H. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.
  - I. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
  - J. If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

- K. If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within 10 days of the inspection.
- L. If the inspection reveals that a control practice has not been implemented in the time required by this ordinance it must be installed within ten (10) days from the date of inspection.
- M. If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

16 Construction Entrance:

- A. Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.
- B. Stone with geotextile construction entrance(s) shall be implemented as required by the Building Commissioner and the Ohio EPA. These will be planned and installed according to the requirements in the most recent edition of the Ohio *Rainwater and Land Development* manual.
- C. Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning.
- D. Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.

### 1311.10 POST-CONSTRUCTION WATER QUALITY CONTROL REQUIREMENTS

The Storm Water Management Plan will also contain the following information.

- (a) **General Requirements:** All Storm Water Management Plans must contain the following information pertaining to post-construction water quality control:
  - 1. A description of the post-construction BMP(s) that will be installed during the construction for the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.

---

2.Detail drawings must be provided for all post-construction BMP(s).

- (b) Development Sites Smaller than Five Acres: A development site that will disturb one (1) or more, but less than five (5) acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:
1. Storm Water Issues: A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled.
  2. Description of Measures: A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.
  3. Upland Areas: Structural measures placed on upland areas to the degree attainable.
  4. Map: A map of the entire site showing the overall development.
  5. Riparian and/or Wetland Setback: All riparian and wetland setback areas will be identified on the plans. They will also be marked in the field prior to the start of construction.
  6. BMPs: Best Management Practices used in the Post-Construction Water Quality Plan may include but are not limited to:
    - i. Permanent Storm Water Detention ponds that provide extended detention of the water volume.
    - ii. Flow attenuation by use of open vegetated swales and natural depressions
    - iii. Onsite infiltration of runoff
    - iv. Sequential systems that combine several practices
    - v. Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed
    - vi. Natural Channel Design for drainage ways
    - vii. Bioengineering in drainageways
    - viii. Recreating floodplains
    - ix. Chemical and biological filters in storm sewer inlets
    - x. Sand Filters
    - xi. Allowing roof water from buildings to run across lawn areas to remove pollutants
    - xii. Onsite sewage disposals system replacement or conversion to sanitary sewers

xiii. Impact Development Design: Countryside Development Design meeting the criteria of the Western Reserve Resource Conservation and Development Area & Aquatic benches in Retention Basins and ponds.

7. Technical Basis: The plans will contain a rational statement utilized to select the BMPs used to control pollution and to maintain and protect water quality.

(c) Development Sites 5 Acres or Larger: A development site that disturbs five (5) or more acres of land or will disturb less than five (5) acres, but is a part of a larger common plan of development or sale, which will disturb five (5) or more acres of land shall identify:

1. Storm Water Detention: The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.

A. Structural BMPs: Structural (designed) Post-Construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.

B. Properly Sized BMPs: The BMP(s) chosen must be sized to treat the water quality volume ( $WQ_v$ ) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The  $WQ_v$  shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to one of the two following methods:

i. Through a site hydrologic study approved by the local municipal permitting authority that uses continuous hydrologic simulation and local long-term hourly precipitation records or

ii. Using the following equation:

$WQ_v = C * P * A / 12$  where:  $WQ_v$  = water quality volume in acre-feet C = runoff coefficient appropriate for storms less than 1 inch (see Table 1) P = 0.75 inch precipitation depth A = area draining into the BMP in acres

**Table 1 Runoff Coefficients Based on the Type of Land Use**

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

- C. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows  $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$ .
- D. An additional volume equal to 20 percent of the  $WQ_v$  shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the Ohio *Rainwater and Land Development* manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to Ohio EPA. .
- E. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2 below

**Table 2: Target Draw Down (Drain) Times for Structural Post-Construction Treatment Control Practices**

Best Management Practice	Drain Time of $WQ_v$
Infiltration	24 - 48 hours
Vegetated Swale and Filter Strip	24 hours
Extended Detention Basin (Dry Basins)	48 hours
Retention Basins (Wet Basins)*	24 hours
Constructed Wetlands (above permanent pool)	24 hours
Media Filtration, Bioretention	40 hours

Provide both a permanent pool and an extended detention volume above the permanent pool, each sized at  $0.75 * WQ_v$

- F. The owner may request approval from the Building Commissioner to use alternative structural Post-Construction BMPs if the owner can demonstrate, in a way that is acceptable to Ohio EPA rules and regulations that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. The use of alternative or vender supplied Post-Construction BMPs should be limited to redevelopment projects where justification is provided that the traditional BMPs in Table 2 are technically and economically infeasible.
- G. Construction activities shall be exempt from this condition if it can be demonstrated that the  $WQ_v$  is provided within an existing structural Post-Construction BMP that is part of a larger common plan of development or sale or if structural Post-Construction BMPs are addressed in a regional or local storm water management plan.
- H. For redevelopment projects (i.e., developments on previously developed property), Post-Construction practices shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the  $WQ_v$ , or a combination of the two.

#### 1311.11 STORM WATER QUANTITY CONTROL PERFORMANCE STANDARDS

(a) SWM Plans required by this regulation shall meet the following design criteria:

1. Storm water quantity management practices shall be designed for the ultimate use of the site and to function safely and with minimal maintenance.
2. Proposed redevelopment project designs shall include storm water quantity management practices that are designed to result in a reduction of the rate of storm water runoff from the site.
  - A. "Redevelopment" refers to alterations of a property that change the footprint of a site or building which results in greater than 7,500 square feet of land disturbance except for parcels of land less than 1 acre used for single family residential purposes only.
3. When developing a Storm Water Quantity Management Plan, storm water management practices shall be used to control storm water quantity. In meeting this requirement, the following shall apply:

- A. Storm water management practices shall be designed in accordance with the most recent version of the *Rainwater and Land Development Manual*, as specified within this regulation, and/or in accordance with specifications provided by the City's Engineer.
4. Calculations submitted for the design of storm water quantity management practices shall demonstrate the following:
- A. The peak rate of runoff from the Critical Storm and all more frequent storms occurring on the development drainage area does not exceed 75% of the peak rate of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the same area under pre-development conditions.
- B. Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year storm, have peak runoff rates no greater than 75% of the peak runoff rates from equivalent storms under pre-development conditions. Consideration of the 1, 2, 5, 10, 25, 50, and 100 – year storms in design and construction will be considered meeting this standard.
- C. In the case of redevelopment, the Community may stipulate additional criteria regarding discharge rates with respect to existing storm water problems in downstream areas.
5. The Critical Storm for a specific development drainage area shall be determined as follows:
- A. Determine, by appropriate hydrologic methods, the total volume of runoff from a one-(1) year frequency, 24-hour storm occurring on the development drainage area before and after development.
- B. From the volume determined in (a), determine the percent increase in runoff volume due to development.
- C. Using the percentage increase determined in (b), select the 24-hour Critical Storm from the following table:

<b>If the Percentage of Increase in Volume of Runoff is</b>		<b>The Critical Storm for Peak Rate Control will be:</b>
<b>Equal to or Greater Than:</b>	<b>And Less Than:</b>	
--	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	--	100 Years

## 6. Calculation Methods

- A. The selection of a calculation method shall be based on the size of the development drainage area and the output information required.
- B. The engineer selecting the calculation method and/or performing the calculations shall do so with full knowledge of the method's limitations, applicable conditions, and degree of accuracy and shall state these in the calculations submitted to the City Engineer for review.
- C. The City Engineer may reject any calculation method he/she deems inappropriate for the given situation.

### 1311.12 EASEMENTS:

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainageways and structures, as required by the Building Commissioner, shall be secured by means of easements.

- (a) The easements shall be recorded in the name of the City of Rocky River and, in single-family residential developments, the homeowners association.
- (b) Unless otherwise required by the City Engineer, access easements to all storm water management practices shall be no less than twenty (20) feet wide. The easement shall also incorporate the entire storm water management practice, plus an additional fifteen (15) feet wide band around the perimeter of the storm water management practice. Access easements shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.
- (c) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the Building Commissioner.
- (d) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet.
- (e) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.

1311.13 MAINTENANCE: Any portion of the permanent drainage and soil erosion systems, including on-site and off-site storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

- 
- (a) Maintenance plans shall be provided by the permittee to both the Building Commissioner and the post-construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the Building Commissioner giving final approval for the completed construction.
- (b) Single Family and Multi-family Residential Developments: A Homeowners' Association shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity.
- (c) Apartments, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity.
- (d) Maintenance Design: All temporary and permanent soil erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
- (e) Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the Building Commissioner by May 1<sup>st</sup> of each and every year after the Best Management Practice (BMP) has been completed.
1. Structures that require a permit from the Ohio Division of Water: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of the ODNR Division of Water at any time after construction is completed.
  2. Easements: A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the Building Commissioner by May 1<sup>st</sup> of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.
  3. Best Management Practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure as determined by the Building Commissioner: A written and stamped report from a professional engineer, landscape architect or Certified Professional In Erosion

---

and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the Building Commissioner by May 1<sup>st</sup> of each year into perpetuity.

- (f) BMPs that have a potential loss of Life: A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.

#### 1311.14 COMPLIANCE WITH OTHER RULES AND REGULATIONS:

- (a) Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Building Commissioner before a construction permit will be issued.
- (b) NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Building Commissioner before a construction permit will be issued.
- (c) Federal And State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Building Commissioner before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:
1. A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or
  2. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or

3. A letter from the site owner verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the City of Rocky River.

#### 1311.15 CONSTRUCTION AND MAINTENANCE GUARANTEE:

- (a) All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the City of Rocky River shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the City of Rocky River may defer the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice prior to the approval of the final plat where, in the Building Commissioner's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the City of Rocky River shall require a Security Bond or Escrow Account, to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.
  1. The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.
  2. The City of Rocky River shall require a Security Bond or Escrow Account to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the Building Commissioner.
  3. The Guarantee: The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. The Security Bond or Escrow Account, will be used by the City of Rocky River to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Building Commissioner. The Security Bond or Escrow Account will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in the ORC Chapter 711.101.
  4. Security Bond or proof of Escrow Account shall be received by the City of Rocky River prior to review by the Building Commissioner and/or its consultants to

cover professional services of the Building Commissioner, Building Commissioner, Zoning Inspector and/or other experts required by the Building Commissioner, City of Rocky River Council, Mayor or Review Boards.

5. No soil disturbing activities shall be permitted until a Security Bond or Escrow Account has been posted to the satisfaction of the Building Commissioner sufficient for the City of Rocky River to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond or Escrow Account shall be released only after all work required by this regulation has been completed to the satisfaction of the Building Commissioner and all permit and inspection fees required by these regulations have been paid in full.
  6. No project subject to this regulation shall commence without the Construction Site Conservation Plan having been approved by the Building Commissioner.
- (b) Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 100% of the estimate approved by the Building Commissioner, of installation of the deferred improvements.
- (c) Maintenance Guarantee: The maintenance guarantee shall be maintained for a period of not less than 2 (two) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to 10% of the estimate approved by the Building Commissioner, of the construction and, where necessary, removal of such practices.
- (d) Time Extension: The Building Commissioner may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
- (e) Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify the Building Commissioner of this fact.
- (f) Inspection: The City of Rocky River will not release the Security Bond, Escrow Account, Verified Check or Cash guarantee until the Building Commissioner (or designee) has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.
- (g) Slow Release Devices: Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in

---

single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.

1. Release: The Construction Maintenance Guarantee shall not be released by the City of Rocky River until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

### 1311.16 VIOLATIONS AND PENALTIES

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

- (a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.
- (b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (c) Upon notice from the Building Commissioner, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Building Commissioner may require that work be stopped upon verbal order pending issuance of the written order.
- (d) The imposition of any other penalties provided herein shall not preclude the City of Rocky River, by or through its Law Director and/or any of their assistants, from instituting an appropriate action or proceeding in a Court of Proper Jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Building Commissioner.  
(Ord. 63-08. Passed 6-23-08)

BLANK PAGE